

**HARYANA GOVERNMENT
GENERAL ADMINISTRATION (SERVICES) DEPARTMENT**

Examination

NOTIFICATION

The 6th January, 1969

No. 90-C.C.E.(EA)-69/
College for Education, Sector 20, Chandigarh. —The following half-yearly examinations will be held on the dates and hours specified below. The examinations will take place in the Hall of the Government

For details of the various examinations, the intending examinees are referred to the relevant departmental rules.

		Date and hours		Examinations																					
				Departmental Examination of the I.P.S. Officers		Departmental Examination of Sub-Judges and the candidates for the posts of R.A.Cs., — <i>vide</i> Punjab Government notification No. GSR-100/Constit/Art.-309/66, dated the 1st April, 1966		Departmental Examination of Tahsildars, — <i>vide</i> Financial Commissioner's Standing Order No. 12		Examination of the officers of the Forest Department— <i>vide</i> paragraphs 1.8, 1.28 and 1.25 of the Forest Manual, Volume II		Departmental Examination of the officers of the Provincial and Sub-ordinate Agricultural Services, including Well Supervision		Departmental Examination of the Animal Husbandry Department		Departmental Examination of the Fisheries Department		Departmental Examination of the Game Preservation Department		Departmental Examination of the Superintendents of Jails		Departmental Examination of the officers of the Excise and Taxation Department, — <i>vide</i> Punjab Government notification No. 554, E&T, dated 6th February, 1946		Departmental Examination of the Co-operative Department	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14										
24th February, 1969	10.00 a.m. to 1.00 p.m.	Criminal Law, 1st Paper	Civil Law	Accounts	Criminal Law, 1st Paper	Forest Law	..	Accounts	Accounts	Accounts	Group I, Paper A					
	2.00 p.m. to 5.00 p.m.																								
25th February, 1969	10.00 a.m. to 1.00 p.m.	Criminal Law, 2nd Paper	Criminal Law, 2nd Paper	Procedure and Accounts	Group I, Paper B					
	2.00 p.m. to 5.00 p.m.																								
26th February, 1969	10.00 a.m. to 1.00 p.m.	Criminal Law, 3rd Paper (including Jails)	Urdu	Revenue Law, 1st Paper	Criminal Law, 3rd Paper (excluding Jails)	Group II (Budget and Accounts)					
	2.00 p.m. to 5.00 p.m.																								
27th February, 1969	10.00 a.m. to 1.00 p.m.	Local Funds	Constitutional Law	Local Funds	Group III (Statutory Acts and Rules)					
	2.00 p.m. to 5.00 p.m.																								
28th February, 1969	10.00 a.m. to 1.00 p.m.	Language (Hindi)	Language (Hindi)	..	Patwaris' Mensuration	Group IV (Financial Rules)					
	2.00 p.m. to 5.00 p.m.																								

*Officers of the Veterinary Service, Class I are not required to appear in this paper.

2. Those who intend to appear at the examination should immediately give notice to the Assistant Secretary to Government, Haryana, and Secretary, Central Committee of Examinations, Haryana Civil Secretariat, Chandigarh, with particulars in the form below by the 5th February, 1969, at the latest:-

Name of the examinee	Subjects or groups in which the candidate will appear
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3. The intending examinees who are prevented from appearing at the examination for any reasons should give timely notice to the Secretary, Central Committee of Examinations, of their inability to appear, and should sickness be the cause of their absence, they should furnish a medical certificate to their superior officers.

R. D. MATHUR,
Assistant Secretary to Government, Haryana, and
Secretary, Central Committee of Examinations.

LEGISLATIVE DEPARTMENT

The 3rd January, 1969

No. 131/E.A.—The Government of Haryana, is pleased to grant extension of 38 days' earned leave, subject to title, to the officer named below:—

Name	Rank	Period of leave	Nature of leave & rules under which the leave is granted.	with effect from	REMARKS
Sh. Badri Parshad Sharma	Superintendent, Law & Legislative Department.	38 days	Earned leave under rule 8.116 of Punjab Civil Services, Rules Vol. I, Part I.	25th December, 1968.	With permission to suffix holidays i. e. 1st & 2nd of February, 1969.

No. 133/E.A.—Copy forwarded to the Commissioner for Home Affairs and Secretary to Government Haryana, Home Department, Chandigarh for information with reference to his Memo. No. 15(14)-3JJ 68/30233, dated the 5th December, 1968.

Shri Badri Parshad Sharma has been granted extension of leave upto 31st January, 1969. It is therefore, requested that the appointment of Shri Dyal Singh Rana as Superintendent, General in the leave arrangement of Shri Badri Parshad Sharma may kindly be extended upto 31st January, 1969.

Early orders are solicited.

J. M. TANDON,
Joint Legal Remembrancer-cum-Joint-Secretary

LABOUR DEPARTMENT

The 7th January, 1969

No. 3-ASO.III-Lab-69/441. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following arbitration award of Shri Ram Kishan Azad, Ex. M.L.A., Yashwant Nagar, Karnal (Arbitrator) in respect of the dispute between Shri Mangat Ram, Landlord, Sambhli, Tehsil Karnal and Sarvshri Madan Lal and Kiru Harijan, workmen :—

BEFORE SHRI RAM KISHAN AZAD, EX.M.L.A., YASHWANT NAGAR, KARNAL—ARBITRATOR

Parties—

Management—Mangat Ram, Landlord, Sambhli, Tehsil Karnal in person ; and Madan Lal and Kiru Harijan, Workmen in person.

The Haryana Government,—vide their Notification No. 522-SFIII-Lab-67/33466, dated 16th November, 1967, appointed me as an Arbitrator under the Industrial Disputes Act, 1949, in pursuance of provisions of Sub-section 3 of section 10 (a) in the matter between the above parties.

On receipt of copy of Government Notification from the Government usual notices were served on the parties.

The management did not file any written statement or statement of claim. Similarly the workmen also did not file any written statement of claims excepting their original written complaints even though the parties were asked by me to do so.

Both the parties gave their statements and counter-statements and produced their witnesses.

After hearing both the parties and enquiring into the dispute in detail, I have reached to the following conclusion :—

Kiru and Madan Lal applicants submitted before me that they had been working with Mangat Ram for the last 17/16 years and that Mangat Ram respondent did not pay them any wages for the period except 2 mds. of wheat and one md. of paddy at each harvest. They further alleged that for 7/8 years they worked with the management to clear their father's debts later on they worked with the managed at Rs 40 per mensem. Kiru also alleged that the loan of his father due to the management was Rs 100 and Madan Lal alleged that his father's loan was Rs 250.

Mangat Ram contested the claim of the workmen and contended that Kiru and Madan Lal did not work with him for the last 6 years though previously they were his Serees. He stated in his statement that at the time of employing them, he asked them to clear the debts due towards them without any interest. He further alleged that he did not owe anything to the workmen. On the other hand he claimed Rs 831.50 and 5 mds. of paddy from Shri Madan Lal and Rs 963 and 5½ mds. of paddy and Flour amounting to Rs 12.44 from Kiru workmen.

Shri Madan Lal and Kiru besides giving their statements regarding their claim produced Shri Shugan Chand, Mahajan A.W. 1, Shri Piara A.W. 2, Shri Surjan A.W. 3, Shri Purshotam Dass Sarpanch A.W. 4, Shri Anoop Singh A.W. 5, Shri Mohri Ram, Member Panchayat A.W. 6, in the support of their claims. Whereas the management Shri Mangat Ram produced only his Bahi in support of his case.

I, as an Arbitrator, called two persons Shri Shibla and Shri Kali Ram Mahajan as court witnesses and procured the copies of the entries regarding the accounts of Kiru and Madan Lal in the Bahi of Mangat Ram, the management, and also from the Bahi of Shri Shibla court witness.

Before considering the oral witnesses produced by the workmen, it is but essential, to discuss the Bahi entries regarding the accounts of the workmen of Mangat Ram. The Bahi entries regarding the workmen of Mangat Ram begins from Sambat 2018, i.e., 1961. At the start of the account of Kiru and Madan Lal, Rs 815 and Rs 884 have been shown as due from them by Mangat Ram the management.

Shri Mangat Ram was asked to clarify as to how he arrived at the figures of these entries but he failed to give any satisfactory reply and stated that it was the only Bahi with him regarding their accounts and whatever was written in it is correct. Two scribe of these entries have appeared before me. The 3rd Richha Ram Mahajan was not present in the village and could not be produced to prove the entries in the Bahi.

Shri Mangat Ram has stated in his statement that according to his Bahi entries Shri Kiru worked for him for the year 1961-62, 1963, 1965 and 1966 only and similarly Shri Madan Lal worked with him in the year 1961, 1963, 1965, and 1966, 1968. His statement is, however, been rebutted by Shri Shibla witness who has stated that Shri Kiru workmen was given to him by Shri Mangat Ram, the management, to work with him in the year Sambat 2012 and after working for 2 years, i.e., for 2012 and 2013 with him, he again joined the services of the management. Shri Shibla witness further stated that before taking Kiru as his servant he was working with Shri Mangat Ram and the period of his work with Shri Mangat Ram would be about two years at that time. It clearly proves that Shri Kiru workman worked at least for 12 years with Shri Mangat Ram, the management from the entries of the Bahi of Shri Mangat Ram and Shri Shibla.

In the light of the above entries the statement of Shri Kiru stands substantiated regarding the period of work as Shri Mangat Ram failed to produce the Bahi or other documents previous to the year Sambat 2018. Similarly Shri Madan Lal also worked with Shri Mangat Ram for the period alleged by him. He is still working with him. The management did not produce any evidence to rebut the statement of Shri Madan Lal and thus the period of Service of Shri Madan Lal stands proved to be of 12 years.

As the management has deliberately withheld the important evidence regarding the service of Shri Kiru and Madan Lal in the face of evidence of Shri Shibla, it can safely be presumed that the version put forth by these two workmen regarding the period of service with management stands proved ; but I instead of putting it for 15/16 years, fix it for 12 years. The next issue in the dispute is about quantum of rate of wages of these workmen with the management. The workmen have claimed Rs 40 as their monthly wages along with three times meals a day or in the alternative of the meals, equivalent quantity of grains. In order to reach at the truth it is but essential to take it into consideration the Bahi entries of Shri Mangat Ram the management. According to Bahi entries of Shri Mangat Ram, Shri Mangat Ram management advanced in cash and the grains, besides the previous balance every year. Taking the case of Shri Kiru Ram the workman first, Shri Kiru Ram received Rs 245.45 in cash and grains etc. of the value of Rs 165.19 for the year 2018, 2019, 2020, 2022, 2023, i.e., 1961 to 1963, 1965 and 1966 whereas during this period he paid back in cash and value of grains Rs 442. Taking into consideration the previous balance of Rs 815 due from Kiru Ram, the workman, for arguments sake, the grand total of loan even after including the item of Rs 12/45 and Rs 215 on credit side which have been shown as cancelled inclusive of the interest and after deducting the amount etc., received back comes to Rs 1,373 up to the year 1966, i.e., 2023 though actually this total should have been even the entries are presumed to be true Rs 1,105 and after decucting the receipt side including the interest of Rs 158 of the year, the balance should have been Rs 732 but it is not so there. The shrewed management included in the grant total Rs 217.45 which have been found duly cancelled and this clearly shows his dishonesty altogether. The entry of Rs 815 in the year 2018 can not be taken into consideration as no proof documentary when there has been kept the account by the management in black and white duly thumb marked by Shri Kiru. By leaving aside the amount of Rs 815 the total amount and the value of grains received by Shri Kiru is only Rs 411.45 and he paid back Rs 442 to the management and thus according to Bahi entries also Kiru is entitled to Rs 30.55. During this whole period, Kiru has not been shown to have received any amount for his wages, in cash or kind, nor there is any mention of any grains given in lieu of 3 meals a day. Bahi is not a reliable document in which the management relies in his proof and I do not feel inclined to consider that. It is evident from its perusal that most of the entries are without date and it seems that most of the entries have been made at one day at the dictation of the management and the workman was asked to thumb mark them in routine and as such no reliance can be put on it.

As regards the pay Rs 40 per month is the reasonable wage prevalent in those days even there is an evidence of Rs 500 or Rs 600 yearly on the record along with three meals a day or its equivalent in grains at each harvest. Shri Kiru has stated that he did not receive any wages from the management during the whole period of these 15/16 years. He received only two maunds of wheat and one maund of paddy every year. Fixing the daily ration of 1/2 kilo per day the total for the month comes to 15 kilos multiplied into 12 months it comes to 180 kilos and by accounting the receipt of one quintal the management is bound to give 1½ quintal and the value thereof which would at least be Rs 60 per year. The total for the 12 years thus comes to Rs 720. It is clearly proved by the evidence and the Bahi that Kiru is entitled for his wages for 12 years at the rate of Rs 40 per month and Rs 720 the value of grains he was entitled in lieu of three meals a day.

Regarding the second workman Shri Madan Lal the management has begun his account from the year 2018 wherein the previous balance of dues of Rs 884 has been shown. The management has maintained the account of Shri Madan Lal for 2018, 2021, 2022, 2023, 2025 i.e., 1961, 1963, 1965, 1966 and 1968. No previous entry of the account of Shri Madan Lal has been shown, nor any account of the intervening period has been found either in the Bahi of the management or in the statement of the witnesses. Now taking the entries in the Bahi as it is, Shri Madan Lal has received in all these years Rs 210.50 in cash and in kind whereas he paid back Rs 592 towards his loan. The balance according to the entries including the arrears should have been Rs 487.50, but Rs 854 has been shown as arrears. The arrears of Rs 884 can not be taken into consideration as no proof either documentary or oral has been presented to substantiate the entry, though duly thumb-marked by Madan Lal. The thumb-impression cannot establish the claim of Shri Mangat Ram as the same would have been taken in routine without explaining the accounts. The Bahi entries does not create confidence at all, as most of the entries are without date and proper total. Besides this there is no mention of wages or grains in lieu of meals in the Bahi. It is in evidence that the entries were made at the dictation of the management, without any admission from the workman. After brushing aside the entry of Rs 884 being the arrears, management owes Rs 381.50 to the workman Madan Lal besides his wages at the rate of Rs 40 per month and the value of grains for the 3 meals a day. As discussed in the case of Shri Kiru, Shri Madan Lal is also entitled to get his wages for a period of 12 years and Rs 720 for the value of grains in lieu of 3 meals a day after deducting the value of 3 maunds of grains received by him for 12 years.

In view of the above discussions, I come to the conclusion that Shri Kiru and Shri Madan Lal the workmen are entitled for their wages and value of grains for a period of 12 years for their services from the management besides the amount of Rs 30.55 and Rs 381.50 due towards the management as per the accounts maintained by the management and the management is liable to pay Rs 5,760 as wages due and Rs 720 as value of the grains and Rs 30.55 as being over payment and Rs 5,760 as wages and Rs 720 as value of the grains and Rs 381.50 as being over payment respectively and hence I hereby give my award in the above dispute as under :—

AWARD

The management should pay Rs 6,510.55 and Rs 6,861.50 to Shri Kiru and Madan Lal respectively as their dues for wages, grains and overpayment etc., for the period of 12 years respectively.

Note.—I am thankful to Shri Sat Pal Sharma, Chairman, Panchayat Samiti, Nissang for giving me co-operation in noting down the evidence in the said proceedings of the arbitration.

Given on this 17th day of December, 1968 at Karnal.

RAM KISHEN AZAD,
Arbitrator.

Karnal, dated the 17th December, 1968.

Four copies of my award are submitted to the Secretary to the Government of Haryana, Labour Department, Chandigarh, with reference to his letter No. 522-SF/II-Lab-62/3364, dated 16th November, 1967 for further necessary action.

RAM KISHEN AZAD,
Arbitrator.

No. 117-ASOIII-Lab-69/447.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of Industrial Refrigeration Industries, Bahadurgarh :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 33 of 1968

Between

Shri Sohan Singh Welder and the management of M/s Industrial Refrigeration Industries, Bahadurgarh.

Present : Shri Onkar Parshad, for the workman.
Shri A.J.S. Chadha, for the management.

AWARD

Shri Sohan Singh was in the service of M/s Industrial Refrigeration Industries, Bahadurgarh, as a Welder. His services were terminated and this gave rise to an industrial dispute. The President of India, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute, to this Court, for adjudication,—*vide* Government Gazette Notification No. ID/RK/7289, dated 16.3.68 :—

Whether the termination of the services of Shri Sohan Singh, Welder is justified and in order?
If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the management filed their written statement. It was alleged that the claimant, Shri Sohan Singh was appointed as a casual worker for 15 days only on 21.10.67 and his services were terminated on 5.11.67.

The following issues were accordingly framed :—

- (1) Whether the claimant Shri Sohan Singh was appointed as a casual worker on 21.10.67 for 15 days and he was remained from service on 5.11.67?

(2) If the above issue is not proved whether the termination of the services of Sh. Sohan Singh, Welder is justified and in order? If not, to what relief is he entitled?

Issue No. 1.—Shri Ajit Singh, M.W. 1, a Managing Partner of the respondent concern, has stated that the claimant Shri Sohan Singh, Welder, joined their concern on 21.10.67 as a casual worker on Rs. 6 per day and during the period he worked with them his work was not found satisfactory and that his services were terminated on 5.11.67. He has stated that Rs. 90 were tendered to the claimant at the time his services were terminated but he did not accept this amount. In cross-examination the witness stated that the name of the applicant was not entered in the attendance register because he was only kept on trial and not as a casual worker. He admitted that there was no other worker of the name of Sh. Sohan Singh who has worked in their concern. In rebuttal the workman appeared as his own witness in support of his case and stated that he actually joined the respondent concern as a Welder on 7.7.67 (not on 21.10.67) at Rs. 200 per mensem. He says that he was told that he was being appointed on permanent basis, and he worked till 6.11.67. He says that the reason for the termination of his services was that the Wishvakarma and the Diwali holidays fell after one another and the management asked him to work on Sunday in lieu of these holidays. He says that he took leave for half pay on the following Saturday as he was not well and for this reason he could not come on Sunday as desired by the management and when he came on Monday the management called upon him to explain as to why he had not come on the previous day and on his explaining that he was ill, he was informed that the services of the person like him were not required and so his services were terminated.

In order to prove that the claimant actually joined the service of the respondent concern prior to 21st October, 1967, the claimant has produced two inland letters, marked Ex. W. 2 and Ex. W. 4. The letter Ex. W. 2 bears the postal stamp dated 7.10.67 and the letter Ex. W. 4 bears the postal stamp, dated 18.9.67. In both these letters address of the claimant is C/o Industrial Refrigeration Industries, Bahadurgarh. It is urged that in case the claimant had not been in the service of the respondent in the month of July, 1967, as stated by him, he could not have given the address of the respondent concern to his friends and relatives and thus circumstances goes a long way to prove that he actually joined the service of the respondent in the month of July, 1967.

The evidence of the claimant that he joined the respondent concern in the month of July, 1967, is supported by the evidence of Sh. Bawa Singh, W.W.2, who was a Turner in the respondent concern. He says that the claimant Sh. Sohan Singh had been in the service of the respondent concern as a Welder for 4 months and that his services were terminated on 6.11.67. He supports the claimant as regard the reason giving by him for the termination on his services. After the close of the evidence of the workmen in the management produced Shri Krishan Lal, Tin Smith Foreman and Jaspal Singh Grover, their Engineer. Although the management had technically no right to tell any evidence at that Stage but in the interest of justice permission was given to them to produce further evidence. Shri Krishan Lal has stated that the claimant Sh. Sohan Singh was appointed in October, 1967, on trial at his instance for 15 days but his work was not found satisfactory. He further stated that after the claimant left the service, two or three letters at the respondent's address were received which were handed over to him. Shri Jaspal Singh Grover has stated that he appointed the claimant as a casual worker on trial basis on 21.10.67 for a period of 15 days and his name was not entered in the attendance register as he was a casual worker. After the close of the evidence of the management the claimant produced Shri Karam Singh who is also an ex-employee of the respondent concern and he supported the version of the claimant. The representative of the management objected that the workmen had no right to produce any further evidence but as the onus of both the issues was upon the management, the workmen has a right to produce his evidence in rebuttal.

I have carefully considered the evidence produced by the parties and the submissions of their learned representative. It appears that the stand which the management have taken is not consistent. Before the Labour Department the management appears to have taken up the stand that the workman was never in their service and for this reason the Labour Inspector, *vide* his letter Ex. W.1 informed the Karamchari Sangh who had taken up the cause of the workmen advising them that the workmen may proceed further on their own in view of the fact that the management had denied to have given employment to him and the register of attendance also did not bear his name. Now the stand taken up is different. Further the management have not given any explanation as to why the two inland letters marked, Ex. W.2 and Ex. W.4, were received by the claimant through them if he had no connection with them at all prior to 21.10.67. As already pointed out the letter Ex. W.2 bears the postal stamp of 7.10.67 while the letter Ex. W. 4 bears the postal stamp of 18.9.67. It is not the suggestion of the management that the workman got the postal receipts forged. Shri Krishan Lal, M.W.2, who has appeared on behalf of the management and at whose instance the claimant is supposed to have been taken into service by the respondent simply states that after the claimant left the service two or three letters at the respondent's address were received which were handed over to the claimant by him. It is common ground that the services of the claimant were terminated on 6.11.67. In case any letter had been received after this date C/o the respondent then the evidence of Shri Krishan Lal would have made some sense but as already pointed out the inland letter, Ex. W.2, bears the postal stamp of 8.10.67 and Ex. W.4 bears the postal stamp of 18th September, 1967, i.e. much before the date on which according to the management the claimant is supposed to have joined their services. It would have been possible to brush aside these letters in case the claimant had got these letters through some other workman who was then employed in the respondent concern but these letters, were addressed to the claimant directly, C/o the respondent. This means that the claimant must be having some direct connection with the respondent concern at the time when he received these letters. Further there is absolutely no reason as to why the two ex-workmen of the respondent concern, namely, Sh. Bawa Singh, W.W.2, Turner and Karam Singh, W.W.4, should falsely depose in favour of the workmen. All that can be said against these two witnesses is that they are no longer in the service of the management. Shri Bawa Singh admits that he resigned his services on account of illness and his account has not yet been settled. As regards Sh. Karam Singh, it was urged that he admits in cross-examination that he is aggrieved by reason of the termination of his services and he too has given an application against the management in this very Court. In my opinion it is not possible to disbelieve the two witnesses specially when their evidence is corroborated by the circumstances of the cases because it has not even been suggested that any of these workmen is interested in the claimant. It is true that, it has not been shown that witnesses who have appeared on behalf of the management have any animus against the workmen but as already pointed out their evidence is not supported by the circumstances of the case. The management is not suppor-

by the circumstances of the case. The management if they so desired could have produced their account books to show that no payment what so ever was made to the claimant in the month of August and September and October 1967. The management were called upon to produce their account books but the management failed to do so. Shri Ajit Singh, Managing Partner of the respondent concern explained in cross-examination that the account books were with their part-time accountant and he was able to get the cash book only and not the ledger. Under these circumstances I am of the opinion that the version of the workman appears to be correct and it can not be held that he was appointed only as a casual worker on 21-10-67 for a period of 15 days only. I find this issue in favour of the workman.

Issue No. 2.—In view of my findings on issue No. 1 it must be held that the claimant was in the regular service of the respondent. His services have been terminated without giving him any opportunity to show cause. It cannot therefore be said that the termination of his services was justified or in order. He is entitled to be reinstated with continuity of service.

There is nothing on the record to show that the claimant was employed elsewhere during the period of his forced unemployment. He is therefore entitled to get full back wages.

P. N. THUKRAL,

The 30th December, 1968.

Presiding Officer,

Labour Court, Faridabad.

No. 2266, dated 30th December, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL

The 30th December, 1968.

Presiding Officer,

Labour Court, Faridabad.

No. 11193-ASOIII-Lab-69/451.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Delton Cable Company, Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 39 of 1968

between

SHRI PIARA LAL WORKMAN AND THE MANAGEMENT OF M/S DELTON CABLE COMPANY,
FARIDABAD

Present :

Shri Roshan Lal Sharma, for the workman.

Shri R. C. Sharma, for the management.

AWARD

Shri Piara Lal was in the service of M/s Delton Cable Company, Faridabad. His services were terminated on the ground that he was caught red-handed while committing the theft of a pair of scissors belonging to the management on 10th January, 1968. This gave rise to an industrial dispute and the President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, —*vide* GOVERNMENT GAZETTE notification No. ID/FD/186/C/8580, dated 30th March, 1968.

Whether the termination of services of Shri Piara Lal, was justified and in order. If not to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed the written statement. A number of preliminary objections were raised on behalf of the management regarding the validity of the reference and the validity of the constitution of this Court and the appointment of the Presiding Officer. On merits it was pleaded that the claimant was guilty of misconduct as detailed above and consequently he resigned from service and received the amount due to him in full and final settlement and for this reason he is barred from raising the dispute. The pleadings of the parties gave rise to the following issues :—

- (1) Whether the reference is invalid for the reasons mentioned in para No. 1 of the preliminary objections ?
- (2) Whether the objection regarding the validity of the constitution of this Court and the appointment of the Presiding Officer can be raised in this Court ?
- (3) Whether the claimant resigned his service and has received the amount due to him in full and final settlement and for this reason is barred from raising this dispute ?
- (4) Whether the termination of the services of the claimant is justified and in order ? If not, to what relief is he entitled ?

The parties produced their evidence in support of their respective contention. I have heard the learned representative of the parties and have gone through the record. My findings are as under :—

Issue No. 1.—It is pleaded that the reference is invalid because there was only an individual dispute between the aggrieved workman Shri Piara Lal and the management and there was no collective dispute. Further the reference is vague in so far as it does not make clear as to in what manner and from which date there has been termination of services, and, therefore, the terms of reference as such, do not fall within the jurisdiction of this Court. An objection is also raised that the General Labour Union which has raised this dispute on behalf of the workman is not a union of any particular industry but it enrolls membership here and there and therefore such like unions can neither raise any dispute nor represent any workman in the proceedings under the provisions of Industrial Disputes Act.

I have carefully considered the submissions of the learned representative of the management in support of the above objections and in my opinion there is no substance in any of these objections. Under section 2-A of the Industrial Disputes Act, 1947, a workman aggrieved by reason of the termination of his service can raise an industrial dispute even if no other workman or union of workmen espouse his cause. The management have admittedly terminated his services because it is alleged that he was guilty of committing a theft of pair of scissors and consequently he resigned from service. Under these circumstances it cannot be said that the reference is vague or that there is no industrial dispute between the parties. The industrial dispute has been raised by the workman himself and the President of the General Labour Union is simply representing him in these proceedings. Accordingly I find this issue in favour of the workman.

Issue No. 2.—It is pleaded that the Government of Haryana never constituted any Labour Court at Rohtak after the reorganisation of the State of Punjab and the Government also did not issue any notification with regard to the appointment of the present Presiding Officer under section 7(2) of the Industrial Disputes Act. There is no force in any of these objections because the present Court was constituted under notification No. 11495/12474-C-Lab-57/11345, dated 7th February, 1958 and after the reorganisation of the State it was not necessary to issue any fresh notification in view of the provisions of section 88 and section 2-G of the Punjab Reorganisation Act. The appointment of the present Presiding Officer was also duly notified after he assumed charge,—*vide* notification No. 7103-3-Lab-67/25650, dated 24th August, 1967. It is also doubtful whether the objection regarding the validity of the constitution of this Court and the appointment of the present Presiding Officer can be raised in that Court itself because if what the management says is correct and there is no properly constituted Court or the appointment of the present Presiding Officer has also not been validly notified, then any findings given by such a Court would have no value since I have come to the conclusion that the Court is properly constituted and the appointment of the present Presiding Officer was also duly notified. I find this issue in favour of the workman.

Issues No. 3 and 4.—These issues may be conveniently discussed together. Shri M. K. Kapoor, M.W. 1, Factory Manager of the respondent concern, has stated that on 10th January, 1968 he received information that the claimant Shri Piara Lal was stealthily taking out a pair of scissors after the factory had closed and so he went to the factory and searched the person of the claimant in the presence of Shri Dhan Bahadur, Chowkidar and recovered a pair of scissors from inside the sock which the claimant was wearing. Shri Kapoor states that the claimant admitted his guilt and gave a writing Exhibit M. 2 and also gave a letter of resignation Exhibit M. 3 which was accepted and so has statement of account Exhibit M. 4 was prepared and the workman received this amount,—*vide* voucher Exhibit M. 5 and Exhibit M. 6 and he also gave in writing on the voucher that he had left the services and that no further amount was due to him. Shri Kapoor states that the claimant also gave an application Exhibit M. 7 that he may be given a service certificate and so the service certificate Exhibit M. 9 was given to him.

The evidence of Shri Kapoor is corroborated by Shri Dal Bahadur, M.W. 2, Watchman, Shri Raghbir Singh Joon, M.W. 4, time office clerk and Shri Gisi Ram, M.W. 5, Vice-President of the Union of the workmen of the respondent concern. In rebuttal the workman has appeared as his own witness and has stated that he has been victimised because he was an active member of the General Labour Union and that he used to raise slogans and hold gate meetings. He states that the Manager Shri Kapoor called him in his office and told him to give up the General Labour Union and join the A.I.T.U.C., otherwise he would be got arrested on some false charge and accordingly a false charge has been brought against him. He further states that the Manager took him to his office and told him that either he should confess that he had committed a theft otherwise he would be handed over to the police and in order to overawe him, the Manager picked up the receiver of the telephone and told him that he was ringing up the police and under this threat he took his signatures on a number of papers and he also wrote whatever the Manager wanted him to write. The workman further

states that when his dues were offered to him the Manager told him to accept the same otherwise he would be shut up in a room and given a beating and he was compelled to receive the money under coercion.

I have carefully considered the evidence produced by the parties and in my opinion it is not possible to believe the story of the workman which he has given for the first time during his evidence. What the workman has stated is correct, he would have at least given the story in his statement of claim which was filed in this Court on 20th May, 1968. In the statement of claim it is only vaguely stated that the termination of the service of the workman was illegal, wrongful and against the principle of natural justice.

The story of undue influence and coercion as given by the workman in his evidence also appears to be highly unnatural. It is not stated that a number of workmen of the respondent concern are members of General Labour Union and that the claimant used to hold gate meetings in support of any demand of his co-workers and the management were annoyed with him on this ground. The workman in his evidence has only vaguely stated that he used to hold gate meetings and the management wanted him to join the union of A.I.T.U.C. The story that the Manager threatened to get the claimant arrested and under this threat got the signatures on a number of papers also does not appear to be correct. In case the management really got the signatures of the claimant under any threat as alleged, the workman would have certainly raised a hue and cry soon after coming out of the premises of the respondent society but no such complaint was made to any authority. In my opinion the evidence of Shri Kapoor, Manager of the respondent concern which is supported by a number of witnesses and even by the Vice-President of the Union of the workman appears to be correct. I am, therefore, of the opinion that the workman was actually guilty of misconduct as alleged and that the management accepted his letter of resignation, gave him his dues and service certificate so that his future may not be spoiled. The workman can not take advantage of the fact that the management giving him service certificate although he was found guilty of committing theft. I find both these issues in favour of the management, and hold that his services were rightly terminated and he is not entitled to any further relief. No order as to cost.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

No. 2169, dated 17th December, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chanjigarh, as required under section 15 of the Industrial Disputes Act, 1947.

The 10th December, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

R. I. N. AHOOJA, Secy.

INDUSTRIES DEPARTMENT

The 8th January, 1969

No. 164/SIB-69/776.—The Governor of Haryana is pleased to constitute a Site Selection Board to select a suitable site for the Focal Point at Bhiwani with the following members :—

- | | | |
|--|----|----------|
| 1. Deputy Commissioner, Hissar (or his representative) | .. | Chairman |
| 2. Representative of Town and Country Planning Department | .. | Member |
| 3. Local M.L.A. | .. | Do |
| 4. District Industries Officer, Hissar/Assistant District Officer of Industries, Bhiwani | .. | Do |
| 5. A representative each of Chief Engineer, P.W.D., B. & R. and Public Health | .. | Do |

2. The Board will make its recommendations to Government after taking into consideration a relevant factors, e.g., nature of the site or railway station, main roads, availability of suitable water immunity from floods etc. within a month's time.

3. The official members will draw TA/DA from their respective Departments under the Government rules.

No. 155-SIB-69/777.—The Governor of Haryana is pleased to constitute the State Advisory Committee at the State headquarters to examine the feasibility of reviving the Panchshila Industrial Cooperative Society Ltd., Faridabad with the following members :—

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|---|----|----------|
| 1. Shri S. K. Chhibber, Sales Tax Tribunal | .. | Chairman |
| 2. Shri M. L. Batra, Commissioner for Planning and Finance and Secretary to Government, Haryana | .. | Member |
| 3. Shri Ishwar Chandra, Commissioner for Home Affairs Haryana | .. | Do |

- | | | |
|---|----|------------------|
| 4. Shri P. N. Bhalla, Secretary to Government, Haryana,
Public Works Department | .. | Member |
| 5. Shri R. I. N. Ahooja, Secretary to Government Haryana
Industries, Food and Supply Departments | .. | Do |
| 6. Shri P. N. Sahni, Director, Food and Supply
Department | .. | Do |
| 7. Shri J. D. Sharma, Director of Industries, Haryana | .. | Member-Secretary |
2. The Committee will submit its recommendations to Government at an early date.
3. The members will draw T.A./D.A. from their respective Departments under the rules.

The 14th January, 1969

No. 20523-113-18/33132.—The Governor of Haryana is pleased to notify the following appointments on *ad hoc* basis with effect from the dates noted against each of them :—

Name	Designation of post	Date of appointment
Shri Joginder Raj Bhalla	Principal, I. T. I., Faridabad	1-1-68
Shri Subash Chander	Principal, I. T. I., Narwana	3-1-68
Shri Om Parkash	Principal, I. T. I., Kaithal	29-2-68
Shri Suraj Bhan Grover	Principal, I. T. I., Hissar	1-4-68
Shri Qimiti Lal	Principal, I. T. I., Mohindergarh	4-4-68
Shri Hari Krishan	Principal, I. T. I., Sirsa	9-4-68
Shri Kewal Krishan	Principal, I. T. I., Hassangarh	27-4-68

R. I. N. AHOOJA, Secy.

REVENUE DEPARTMENT

The 10th January, 1969

No. 3-A.R.I-69/828.—In pursuance of the provisions of sub-section (2) of section 49 of the Punjab Land Revenue Act, 1887, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following amendment in Haryana Government Revenue Department notification No. 950-R(II)-68/624, dated the 16th February, 1968, namely :—

AMENDMENT

In the said notification, for the words "Karnal and Hissar districts", the words "Karnal District" shall be substituted.

B. S. GREWAL, Secy.

WAR JAGIR

CORRIGENDUM

The 19th December, 1968

No. 6533-RIII-68/4713.—In Haryana Government (Revenue Department) Notification No. 1798-RIV-68/2530, dated the 7th July, 1967, published in the HARYANA GOVERNMENT GAZETTE, dated the 8th August, 1967, the words 'Nanda-ki-Dhami' shall be substituted for the words 'Na.dha' appearing against S. No. 8.

KIRAN PREM, Dy. Secy.,
Settlement.